

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

IN THE MATTER OF THE COMPLAINT
OF TAMARA HAMILTON, AS THE
OWNER OF A 1992 CARVER 32
CONVERTIBLE, HIN CDRN2007B292,
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

Case No.: 2:22-cv-00398-HL

OPINION AND ORDER

ORDER

Before the Court is Limitation Plaintiff Tamara Hamilton (hereinafter, the “Limitation Plaintiff”), the Motion for Entry of Judgment of Exoneration by Default Against Non-Appearing Parties and Non-Asserted Claims (hereinafter, respectively, the “Defaulted Parties” and the “Defaulted Claims”). The Limitation Plaintiff asks this Court to enter a default judgment against the Defaulted Parties and Defaulted Claims. For the reasons set forth below, the motion is GRANTED.

BACKGROUND:

1. On March 11, 2022, Limitation Plaintiff filed a Complaint in Admiralty for Exoneration from or Limitation of Liability pursuant to the Limitation of Liability Act, 46 U.S.C. §§30501 *et seq.*, and Supplemental Rule (F) for any injuries, damages, or losses of whatever description arising out of their ownership of the Limitation Vessel for any and all claims arising from a fire that occurred on or about January 26, 2022, at the Umatilla Marina and RV Park (hereinafter, the “Marina”) located in Umatilla, Oregon (hereinafter, the “Fire”) on the navigable waters of the Umatilla River. *See Complaint*, ECF No. 1.

2. That same day, the Limitation Plaintiff filed her Motion to Approve Security and for Publication and Stay. *See ECF No. 4.*

3. On July 27, 2022, the Court entered its Order Accepting Security and for Publication and Stay (hereinafter, the “Order”), ECF No. 20. The Publication Order directed potential claimants to file their claims with the Clerk of this Court, in the United States District Court for the District of Oregon, Pendleton Division, and serve on or mail to the Limitation Plaintiff’s counsel a copy thereof on or before September 11, 2022 or be defaulted. *See Id.* The Publication Order also directed the Limitation Plaintiff to publish the notice specified in the Publication Order in the *East Oregonian* once per week for four (4) consecutive weeks before the return date specified therein, and to mail a copy of the Notice and Order to every person known to have made or who may make a claim against him or her boat arising from the Fire on January 26, 2022 no later than the day of the second publication. *See Id.*

4. Limitation Plaintiff has completed the requirements of the Publication Order and Supplemental Admiralty Rule F(4). *See Notice of Compliance with Supplemental Rules F(4)*, ECF No. 26.

5. The deadline for receipt of claims and answers was September 11, 2022, and as of that date only one party, the City of Umatilla, has come forth and made an appearance in the above-captioned action. *See Answer and Claim of City of Umatilla*, ECF No. 25.

6. On September 15, 2022, the Limitation Plaintiff submitted her Request for Entry of Clerk’s Default pursuant to Federal Rules of Civil Procedure 55(a). *See ECF No. 27*. On October 11, 2022, the Clerk of Court issued a Clerk’s Default. *See ECF No. 29*. On October 12, 2022, the City of Umatilla stipulated to the dismissal of its claim with prejudice. *See ECF No. 30*.

CONCLUSION

NOW THEREFORE FINDING that no party other than the City of Umatilla, have come forth and asserted a Claim in this Court as required under this Court's Order, and the City of Umatilla having stipulated to the dismissal of its claim with prejudice, default judgment against the Defaulted Parties and the Defaulted Claims is proper pursuant to Rule 55(b).

The Court GRANTS the Limitation Plaintiff's motion, (D.E. 31), and FINDS the Defaulted Parties and the Defaulted Claims arising from the Fire against either the Limitation Plaintiff or the Limitation Vessel to be in default, except the Claim asserted by the City of Umatilla, which has been dismissed with prejudice per the Parties' stipulation.

IT IS SO ORDERED.

Date

11/18/22


MICHAEL W. MOSMAN
Senior United States District Judge